

BILL ANALYSIS

Senate Research Center
82R1212 NC-D

S.B. 256
By: Nelson
Health & Human Services
3/4/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill is intended to ensure that families using the services of a private autopsy facility are informed about their rights as consumers.

Key provisions of this bill include requiring private autopsy facilities to post notice in Spanish and English notifying consumers how to file a complaint against the physicians performing autopsies with the Texas Medical Board (TMB), and requiring TMB to adopt a sample of the consumer notice and make it available on their website.

As proposed, S.B. 256 amends current law relating to requiring a private autopsy facility to post a notice for filing a complaint against a physician and provides a penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Medical Board in SECTION 1 (Section 671A.002, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 8, Health and Safety Code, by adding Chapter 671A, as follows:

CHAPTER 671A. NOTICE REQUIRED AT PRIVATE AUTOPSY FACILITY

Sec. 671A.001. DEFINITION. Defines, in this chapter, "private autopsy facility."

Sec. 671A.002. NOTICE FOR COMPLAINTS REQUIRED. (a) Requires a private autopsy facility to post a notice in a conspicuous place in a public area of the facility that substantially complies with the notice published by the Texas Medical Board (TMB) under this section.

(b) Requires that the notice state in English and in Spanish that a person may file with TMB a complaint against a physician who performs autopsy services and include the appropriate mailing address and telephone number of TMB for filing complaints against physicians.

(c) Requires TMB by rule to adopt a sample form of the notice. Requires TMB to publish the notice on TMB's Internet website.

Sec. 671A.003. CRIMINAL PENALTY FOR FAILURE TO POST NOTICE. (a) Provides that a private autopsy facility commits an offense if the facility fails to post the notice required by this chapter.

(b) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Requires TMB, not later than January 1, 2012, to publish the notice as required by Section 671A.002, Health and Safety Code, as added by this Act.

SECTION 3. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2011.

(b) Effective date, Section 671A.003, Health and Safety Code, as added by this Act: January 1, 2012.